

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Russell M. Ngwenya

Docket No. 5:15-MJ-1039-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment of Russell M. Ngwenya, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 4), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on April 07, 2016, to 12 months probation under the conditions adopted by the court.

On July 7, 2016, a violation report was submitted to the court reporting that the defendant tested positive for cocaine use on May 28, and June 9, 2016. Additionally, it was reported that the defendant was arrested in Maryland Heights, MO, for Tampering with Services and Stealing Value 500-24,999. The defendant is supervised in the Eastern District of Missouri by Senior U.S. Probation Officer Koda I. Hendrix who recommended a verbal reprimand for the violations and that supervision be increased. The court agreed with Officer Hendrix's recommendation and continued supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Officer Hendrix reports that the defendant tested positive for cocaine use on July 5, 2016. Additionally, Officer Hendrix reports that the defendant has not enrolled in substance abuse counseling as instructed and has not submitted written monthly reports as instructed for May or June 2016. As a result of these violations, the defendant has been provided with a written reprimand. Officer Hendrix reports that Ngwenya has reported that he is having feelings of depression, anxiety, and aggression. As a result, Officer Hendrix is recommending that the conditions of supervision be modified to include mental health counseling as directed.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate in a mental health evaluation and shall follow any recommendation of such and/or shall participate in a mental health program approved by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

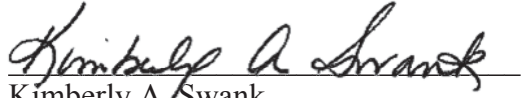
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith
Supervising U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2537
Executed On: August 02, 2016

ORDER OF THE COURT

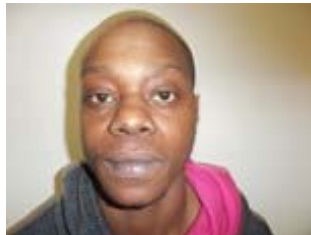
Considered and ordered this 2nd day of August, 2016, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Kimberly A. Swank", is written over a horizontal line.

Kimberly A. Swank
U.S. Magistrate Judge

FOR JUDGE'S VIEW ONLY

DO NOT FILE



Russell M. Ngwenya
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